

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HAAPIAINEN et al.

International Application No. PCT/FI2004/000274

Serial No. 10/555,387

International Filing Date: 6 May 2004 (06 May 2004)

Filed: November 2, 2005

For: **METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT OBTAINED  
BY THE METHOD AND USE OF THE PRODUCT**

**PETITION UNDER 37 CFR 1.47 FOR FILING WHEN AN INVENTOR REFUSES TO  
SIGN**

Commissioner for Patents  
Attn: Petitions Examiner - PCT Legal  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner, through the undersigned attorney, hereby requests that the executed oath/declaration submitted in response to the Notification of Missing Requirement Under 35 U.S.C. 371 be accepted without the signature of two of the inventors out of the total of six inventors listed. It is requested that the above captioned application be made by four inventors on behalf of themselves and the non-signing inventors under 37 CFR 1.47(a).

Furthermore, as further evidence, under 37 CFR(b), it is asserted that the applicant, to whom the non-signing inventors assigned the invention by virtue of an executed assignment filed with the Finnish Patent Office for the Finnish priority application in the above captioned application, if necessary, be allowed to make application for patent on behalf of and as agent for all the inventors.

Proof of the pertinent facts, the fee set forth and the last know addresses of the non-signing inventors are listed below.

**Proof of Pertinent Facts:**

The invention was described and filed as an international application PCT/FI2004/000274 with an international filing date of May 6, 2004. The international application claimed priority to Finnish application 20030683 filed May 7, 2003. The international application timely entered the national stage in the U.S. under 37 U.S.C. 371 on November 2, 2005. Six inventors, HAAPIAINEN, MYLLYMAKI, LEHTINEN, LEHTOMAKI, LAAKSO, PATAJOKI participated in the invention, for the US only, as listed on WO Publication. Four inventors, HAAPIAINEN, MYLLYMAKI, LEHTINEN, LAAKSO signed the Declaration/Power of Attorney for the U.S. national phase. Two inventors, LEHTOMAKI AND PATAJOKI refused to sign the Declarations/Power of Attorney that was presented to them as described below.

**Statement of Facts:**

- 1) Six inventors, HAAPIAINEN, MYLLYMAKI, LEHTINEN, LEHTOMAKI, LAAKSO, PATAJOKI were employees of Suomen Viljava Oy of Vantaa, Finland. During their employment with Suomen Viljava Oy, together they participated in the invention for which an application for patent was filed in the Finnish Patent Office on May 7, 2003.
- 2) The employer, Suomen Viljava Oy, states that they have the non-signing inventors' contracts of employment which include statements according to Finnish Law that applies to inventions made by the employee during these contracts.

Added to this, the contract of LEHTOMAKI includes also an additional statement according to which also an invention relating to processing of oat bran for which a patent application is filed within a year counted from the expiry of the contract shall be considered as having been made during said contract.

- 3) The six inventors executed an Assignment document filed on May 28, 2004 for the Finnish priority application no. 20030683. A copy is attached as "Attachment A".
- 4) Within one year from the filing of the Finnish priority application, the international application was filed on May 6, 2004, claiming priority to the Finnish application.
- 5) On November 2, 2005, the U.S. national phase was initiated without an executed inventors' declaration.
- 6) A Notification of Missing Requirements Under 35 U.S.C. 371 was mailed June 16, 2006 and the Notification was sent to the applicant in Finland by the agent listed below.
- 7) The applicant sent the documents for signing to inventor PATAJOKI on June 6, 2006. A copy of the letter "Attachment B", with its English translation is attached. A copy of a certificate of receipt, "Attachment C", shows that Mr. PATAJOKI personally signed for the documents on June 12, 2006. He has not returned the documents.
- 8) A similar letter was sent to inventor LEHTOMAKI on June 6, 2006. A copy of the letter "Attachment D", with its English translation is attached. A copy of a certificate of receipt, "Attachment E", shows that Mr. LEHTOMAKI signed for the documents on July 26, 2006. In response, Mr. LEHTOMAKI sent the attached letter, "Attachment F" (translation enclosed) in which he explained why he does not want to sign the documents.
- 9) A letter from the agent for the applicant in Finland is

- attached "Attachment G" showing that diligent effort was made to achieve signatures of the two non-signing inventors.
- 10) Thus the application is now made on behalf of the four signing inventors and the two non-signing inventors.
- 11) An assignment, to be recorded concurrently, is also enclosed signed by four inventors in favor of the applicant company, Suomen Viljava Oy.

Items submitted herewith:

- (a) Transmittal Letter,
- (b) Copy of Notice of Missing Requirements,
- (c) Executed Declaration signed by four inventors;
- (d) This Petition Under 37 1.47(b) for Filing When an Inventor Refuses to Sign;
- (e) "Attachment A" Assignment for Finnish Priority document;
- (f) "Attachment B" Letter to inventor PATAJOKI with English translation;
- (g) "Attachment C" Return Mail Receipt signed by PATAJOKI;
- (h) "Attachment D" Letter to inventor LEHTOMAKI with English translation;
- (i) "Attachment E" Return Mail Receipt signed by LEHTOMAKI;
- (j) "Attachment F" Letter with English translation from inventor LEHTOMAKI stating why he refuses to sign;
- (j) "Attachment G" Letter from Finnish agent of applicant Suomen Viljava Oy showing diligent effort to reach non-signing inventors;
- (k) "Attachement H" Assignment, signed by four inventors, to be recorded concurrently.
- (l) Fee of \$200 under § 1.17(g) for non-signing inventors.

The last known address of the fourth inventor, Mr. Ilkka LEHTOMAKI is: Donnerinkatu 6 A 10, FI-05800 Hyvinkaa, Finland

The last known address of the sixth inventor, Mr. Markku PATAJOKI is: Lohimiehenpolku 3 B, FI-00650 Helsinki, Finland

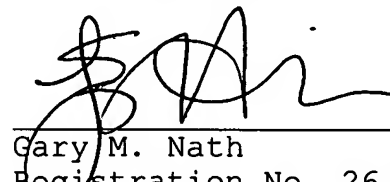
By this petition, it is requested that this application is made by four inventors on behalf of the four signing inventors and the two non-signing inventors.

The fee of \$200 is enclosed and the last known addresses of the two non-signing inventors are listed above.

However, should there be any deficiency in fees or credit for any overpayment in connection with this matter, please charge to our deposit Account No. 14-0112.

Please direct any questions or comments to the undersigned attorney.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**



---

Gary M. Nath  
Registration No. 26,965  
Tanya E. Harkins  
Registration No. 52,993

**Customer No. 20529**

Date: August 16, 2006  
NATH & ASSOCIATES PLLC  
112 South West Street  
Alexandria, VA 22314  
Phone: (703) 548-6284  
Fax: (703) 683-8396  
GMN/TEH/dd:Pet.1.47(a)NonSigningInv

## DECLARATION FOR PATENT APPLICATION

Attorney Docket: 27058U  
Page 1 of 2

As a below-named inventor(s), I/we hereby declare that:

My/Our residence(s), post office address(es) and citizenship(s) is/are as stated below next to my/our name(s).

I/We believe I/we am/are the original inventor, first and sole (if only one name is listed below) or the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed, and for which a patent is sought on the invention entitled:

METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT OBTAINED BY THE METHOD AND USE OF THE PRODUCT

the specification of which: (check one)

☐ is attached hereto.

☒ was filed on 6 May 2004, as Serial No. PCT/FI2004/000274,

and was amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application as defined by 37 CFR § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications:

<u>20030683</u> (Application No.)	<u>FI</u> (Country)	<u>07 / May / 2003</u> (Day/Month/Year Filed)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____ (Application No.)	_____ (Country)	_____ (Day/Month/Year Filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I/We hereby appoint the Practitioners associated with the following Customer Number:

**Customer Number 20529**

Direct Telephone Calls to:

Gary M. Nath  
(202) 775-8383

Send Correspondence to:  
**NATH & ASSOCIATES, PLLC**  
Sixth Floor  
1030 15<sup>th</sup> Street, N.W.  
Washington, D.C. 20005 U.S.A.

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by 35 U.S.C. § 112, first paragraph, I/we acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(U.S. Application Serial No.)	(U.S. Filing Date)	(Status--patented, pending, abandoned)
(U.S. Application Serial No.)	(U.S. Filing Date)	(Status--patented, pending, abandoned)

## DECLARATION FOR PATENT APPLICATION

Attorney Docket: 27058U  
Page 2 of 2

I/we hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

10/555,3872 November 2005

Application Number(s)

Filing Date

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. ' 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Jenni HAAPIAINENInventor's Signature *Jenni Haapiainen* Date: 3.5.2006Residence: Nortamonkatu 26 A 9, FI-26100 Rauma, FinlandCountry of Citizenship: FINLANDPost Office Address: same as aboveFull name of second inventor: Olavi MYLLYMÄKIInventor's Signature *Olavi Myllymäki* Date: 15.3.06Residence: Ilmakuja 4 A 11, FI-02210 Espoo, FinlandCountry of Citizenship: FINLANDPost Office Address: same as aboveFull name of third inventor: Pekka LEHTINENInventor's Signature *Pekka Lehtinen* Date: 15.3.06Residence: Lohansuonkuja 3, FI-02880 Veikkola, FinlandCountry of Citizenship: FINLANDPost Office Address: same as aboveFull name of fourth inventor: Ilkka LEHTOMÄKI

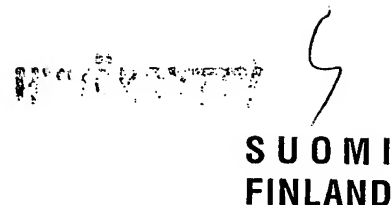
Inventor's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Donnerinkatu 6 A 10, FI-05800 Hyvinkää, FinlandCountry of Citizenship: FINLANDPost Office Address: same as aboveFull name of fifth inventor: Simo JAAKSOInventor's Signature *Simo Jaakso* Date: 15.3.06Residence: Hemminginkatu 10, FI-20380 Turku, FinlandCountry of Citizenship: FINLANDPost Office Address: same as aboveFull name of sixth inventor: Markku PATAJOKI

Inventor's Signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence: Lohimiehenpolku 3 B, FI-00650 Helsinki, FinlandCountry of Citizenship: FINLANDPost Office Address: same as above

Patentit, hyödyllisyysmallit, tavaramerkit ja mallit  
 Patent, nyttighetsmodeller, varumärken och mönster  
 Patents, Utility Models, Trademarks and Designs  
 Patente, Gebrauchsmuster, Warenzeichen und Muster



## Berggren Oy Ab

PL 16 • P.O. Box 16  
 FIN-00101 Helsinki

### SIIRTO ÖVERLÅTELSE ASSIGNMENT ÜBERTRAGUNG

Täten vahvistetaan,  
 että oikeus

Härmed bekräftas, att  
 rätten

Hereby it is confirmed that  
 the right

Hiermit wird bestätigt, dass in  
 Finnland das Recht

Suomessa seuraavaan

för Finland till följande

for Finland to the following

an de folgende

- ☒ keksintöön
  - ☐ prioriteettiin
  - ☐ patenttihakemukseen
  - ☐ patenttiin
  - ☐ hyödyllisyysmalli-  
hakemukseen
  - ☐ hyödyllisyysmalliin
  - ☐ tavaramerkkihakemukseen
  - ☐ tavaramerkkiin
  - ☐ malliin
- nimittäin

- ☐ uppfinning
  - ☐ prioritet
  - ☐ patentansökan
  - ☐ patent
  - ☐ nyttighetsmodell-  
ansökan
  - ☐ nyttighetsmodell
  - ☐ varumärkesansökan
  - ☐ varumärke
  - ☐ mönster
- nämligen

- ☐ invention
  - ☐ priority
  - ☐ patent application
  - ☐ patent
  - ☐ utility model  
application
  - ☐ utility model
  - ☐ trademark application
  - ☐ trademark
  - ☐ design
- namely

- ☐ Erfindung
  - ☐ Priorität
  - ☐ Patentanmeldung
  - ☐ Patent
  - ☐ Gebrauchsmuster-  
anmeldung
  - ☐ Gebrauchsmuster
  - ☐ Warenzeichenanmeldung
  - ☐ Warenzeichen
  - ☐ Geschmacksmuster
- nämlich

Menetelmä kasvipärisen materiaalin  
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 tuotteen käyttö

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on siirretty har överlåtits på has been assigned to übertragen worden ist an

SUOMEN VILJAVA OY:lle  
 Helsingistä

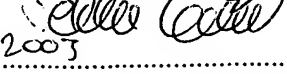
Jenni Haapiainen

Olavi Myllymäki

Pekka Lehtinen

Hänen 26.5.2003 Jenni Haapiainen



ESAO 22.5.2003 

Paikka, päiväs ja allekirjoitus

Ort, datum och underskrift

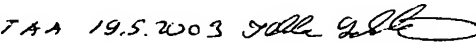
Place, date and signature

Ort, Datum und Unterschrift

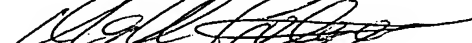
Ilkka Lehtomäki

Simo Laakso

Markku Patajoki

19.5.2003 







Attachment B

6 June 2006

Markku Patajoki  
Lohimiehenpolku 3 B  
00650 Helsinki

Our ref: BP112679/OPS/RLK

**U.S. PATENT APPLICATION NO. 10/555,387**  
**METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT OBTAINED**  
**BY THE METHOD AND USE OF THE PRODUCT**  
**APPLICANT: SUOMEN VILJAVA OY**

We enclose the documents (Declaration and Assignment) of the above-mentioned patent application for your signature. We ask you to return the documents to us as signed by 20 June 2006. For returning of the documents we enclose a return envelope supplied with stamps.

For your information we enclose also the application text, patent claims and drawings as well as the International Preliminary Examination Report along with its attachments. The above-mentioned patent application has been filed with the amended claims attached to the Examination Report.

Please contact us if you require any further information concerning this matter.

Yours faithfully,  
**BERGGREN OY AB**

Riittaliisa Kiuru  
Patent Assistant

Enclosures

6.6.2006

BERGGREN 

Attachment B

Markku Patajoki  
Lohimiehenpolku 3 B  
00650 Helsinki

**COPY**

Viitteemme: BP112679/OPS/RLK

**US-PATENTTIHAKEMUS NRO 10/555387  
MENETELMÄ BIOLOGISEN MATERIAALIN KÄSITTELEMISEKSI, MENETELMÄLLÄ  
VALMISTETTU TUOTE SEKÄ TUOTTEEN KÄYTTÖ  
HAKIJA: SUOMEN VILJAVA OY**

Lähetämme oheisena allekirjoitettavaksenne yllä mainitun patenttihakemuksen asiapaperit (Declaration ja Assignment). Pyydämme Teitä palauttamaan asiapaperit meille allekirjoitettuin **20.6.2006** mennessä. Asiapapereiden palautusta varten oheistamme postimerkeillä varustetun palautuskirjekuoren.

Lähetämme oheisena tiedoksenne myös hakemuksen hakemustekstin, patenttivaatimukset ja piirustukset sekä kansainvälisen patentoitavuuden esituskintaraaportin liitteineen. Yllä mainittu hakemus on jätetty esituskintaraaportin liitteenä olevilla korjatuilla vaatimuksilla.

Pyydämme Teitä ottamaan meihin yhteyttä, mikäli Teillä on asiasta kysyttävää.

Ystävällisin terveisin  
**BERGGREN OY AB**

*Riittaliisa Kiuru*  
Riittaliisa Kiuru  
patenttiassistentti

Liitteitä



BERGGREN-YHTIÖT • BERGGREN GROUP

BERGGREN OY AB  
PL 16 • PO Box 16  
FI-00101 Helsinki  
FINLAND

KÄYNTIOSOITE • OFFICE  
Graniittitalo  
Annankatu 42 C  
Helsinki

PUH. • TEL  
Nat. (09) 693 701  
Int. +358 9 693 701  
Fax +358 9 693 3944

E-MAIL  
email.box@berggren.fi  
www.berggren.fi

PANKIT • BANKERS  
NORDEA 157330-15411  
SWIFT NDEAFIHH  
SAMPO 800017-90104  
SAMPO USD 800060-40136442  
SWIFT PSPBFIHH

YHTIÖ • COMPANY  
Y 0107002-7  
VAT FI01070027  
Kotipaikka Helsinki  
Domicile Helsinki

Attachment C

NAME AND ADDRESS  
OF THE  
SENDER

Lähetäjän nimi ja postiosoite. Avsändarens namn och postadress.  
Bergeren Oy Ab  
FI 3  
00101 Helsinki

NAME AND ADDRESS  
OF THE  
RECIPIENT

Vastaanottajan nimi ja postiosoite. Adressatens namn och postadress.  
Markku Patajoki  
Lohimiehempolku 3 B  
00650 Helsinki

Posti



RS064690970FI

Palautusosoite Returadress

0.212 kg

☒ Vastaanottajalle  
Tilille adressaten  
Veluvenille Till berömaktägare

A

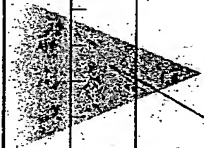
Vain vastaanottajalle  
henkilökohtaisesti  
Endast till adressaten personligen  
Luovutettujen allekirjoitus Perämaates underskrift

*Markku Patajoki*

Postimaksomaat Postförskottsbelopp

Tilino Kontonr

Vilieno Referensnr



Päiväys ja vastaanottajan valtuutetun allekirjoitus sekä nimen selvennys  
Datum och adressatens godkännaktigad signering samt namnörtydligande

*Markku Patajoki*

Lisätietoja: 0200 71000 (gym/mpm), www.posti.fi  
Yhteyttäjä information: 0200 27100 (lma/msa), www.posti.fi

Suomen Posti Oy • Posten Finland Abp  
kotipaikka/Hemort: Helsinki/Helsingfors • Y-tunnus 1531864-4 To-nummer

12.6.06 Markku Patajoki

RETURN ADDRESS

TO RECIPIENT

ONLY PERSONALLY TO THE  
RECIPIENT  
SIGNATURE OF  
THE DELIVERER

DELIVERY DATE

DATE AND SIGNATURE OF  
THE RECIPIENT

30 June 2006

Ilkka Lehtomäki  
Leikosaarentie 28 A 9  
00990 Helsinki

Attachment D

Our ref: BP112679/OPS/RLK

**U.S. PATENT APPLICATION NO. 10/555,387  
METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT OBTAINED  
BY THE METHOD AND USE OF THE PRODUCT  
APPLICANT: SUOMEN VILJAVA OY**

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Please contact us if you require any further information concerning this matter.

Yours faithfully,  
**BERGGREN OY AB**

Riittaliisa Kiuru  
Patent Assistant

Enclosures

30.6.2006

BERGGREN 

Ilkka Lehtomäki  
Leikosaarentie 28 A 9  
00990 Helsinki

Attachment D

**COPY**

Viitteemme: BP112679/OPS/RLK

**US-PATENTTIHAKEMUS NRO 10/555387  
MENETELMÄ BIOLOGISEN MATERIAALIN KÄSITTELEMISEKSI, MENETELMÄLLÄ  
VALMISTETTU TUOTE SEKÄ TUOTTEEN KÄYTTÖ  
HAKIJA: SUOMEN VILJAVA OY**

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Lähetämme oheisena tiedoksenne myös hakemuksen hakemustekstin, patenttivaatimukset ja piirustukset sekä kansainvälisen patentoitavuuden esituskintaraportin liitteineen. Yllä mainittu hakemus on jätetty esituskintaraportin liitteenä olevilla korjatuilla vaatimuksilla.

Pyydämme Teitä ottamaan meihin yhteyttä, mikäli Teillä on asiasta kysyttävää.

Ystävällisin terveisin  
**BERGGREN OY AB**

  
Riittaliisa Kiuru  
patenttiassistentti

Liitteitä



BERGGREN-YHTIÖT • BERGGREN GROUP

BERGGREN OY AB  
PL 16 • PO Box 16  
FI-00101 Helsinki  
FINLAND

KÄYNTIOSOITE • OFFICE  
Graniittitalo  
Annankatu 42 C  
Helsinki

PUH. • TEL  
Nat. (09) 693 701  
Int. +358 9 693 701  
Fax +358 9 693 3944

E-MAIL  
email.box@berggren.fi  
www.berggren.fi

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NORDEA 157330-15411  
SWIFT NDEAFIHH  
SAMPO 800017-90104  
SAMPO USD 800060-40136442  
SWIFT PSPBFIHH

YHTIÖ • COMPANY  
Y 0107002-7  
VAT FI01070027  
Kotipaikka Helsinki  
Domicile Helsinki

Attachment E

NAME AND  
ADDRESS OF  
THE SENDER

Helsingren Oy Ab  
PL 16  
00101 Helsinki

NAME AND  
ADDRESS OF  
THE RECIPIENT

Ilkka Lehtonen  
Leikosaarentie 28 A 9  
00990 Helsinki

Posti

Lähetettävän nimen ja postiosoitteen lähettäjän nimen ja postiosoitteen



RS064690983FI

Palautusosoite. Return address  
1928

Vastaanottajan nimi ja postiosoitte. Addresatens namn och postadress

☒ Vastaanottajalle  
Tilille adressaten

☐ Vain vastanottajalle  
Vainutettulle. Till behöfningskategorin

☐ Vain vastanottajalle  
behöfningskategorin

☐ Enstast till adressaten personligen

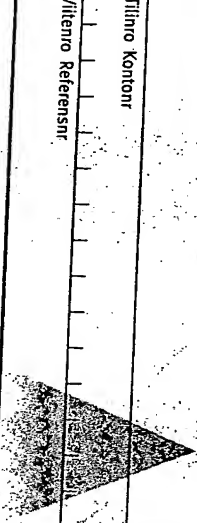
☐ Luovuttajan allekirjoitus. Överlämnades underskrift

*Ilkka Lehtonen* (HL)

Postiennakomäärä. Postförskottsbelopp

Tilinho. Kontonr.

Vilento. Referensnr.



Lisätietoja: 0200 71000 (pvm/mpm), www.posti.fi  
Yhteyttä: 0200 71000 (lma/msa), www.posti.fi  
Suomen Posti Oy • Posten Finland Ab  
Kotipaikka/Hemort: Helsinki/Helsingfors • Y-tunnus 1531864-4 • FO-nummer

RETURN ADDRESS

TO RECIPIENT

ONLY PERSONALLY TO  
THE RECIPIENT

SIGNATURE OF THE  
DELIVERER

DELIVERY DATE

DATE AND SIGNATURE  
OF THE RECIPIENT

**Assignment of the international rights of Ilkka Lehtomäki's employee invention to Suomen Viljava Oy  
Patent Application "Method for the treatment of vegetable material, product obtained by the method and use of the product"**

Ilkka Lehtomäki will not sign the documents giving right to the assignment of the international rights of the employee invention. In his understanding the Act on the Rights to Employee Invention (1967/656) requires that the employee invention falls within the employer's (Suomen Viljava) field of activities. This condition remains in this case unfulfilled.

The employee invention in question refers to continued processing of oat bran containing beta-glucan. Suomen Viljava Oy carried on oat business and this employee invention was probably related to this branch of activity. Suomen Viljava Oy has dropped this oat business, which according to company's notice has neither been sold nor been surrendered of. The current field of activity of Suomen Viljava Oy is stocking and treating of corn.

In Ilkka Lehtomäki's understanding the situation has changed from the date on which the Finnish patent application was filed from the employee invention in question. At that time Lehtomäki signed the required documents because the employee invention seemed to fall within the scope of the oat business. Now this requirement concerning the field of activity of the employer is no longer met. In this situation Ilkka Lehtomäki considers that he is not forced to sign the documents relating to the assignment of the international rights of the employee invention in question.

Ilkka Lehtomäki wants to solve the prospective problem relating to this employee invention by negotiating and in a "right" way. In his opinion all the inventors shall be treated in the prospective new proceedings equally if they want that. He is willing to be present in case comment is requested for example from the Board of Employee Inventions.

Best regards

Ilkka Lehtomäki  
[Ilkka.lehtomaki@luukku.com](mailto:Ilkka.lehtomaki@luukku.com)  
040-7491552  
Leikosaarentie 28 A9  
00990 Helsinki

Attachmen F

**ILKKA LEHTOMÄEN TYÖSUHDEKEKSINNÖN KANSAINVÄLISTEN OIKEUKSIEN  
SIIRTO SUOMEN VILJAVALLE.  
PATENTTIHAKEMUS: "MENETELMÄ BIOLOGISEN MATERIAALIN  
KÄSITTELEMISEKSI, MENETELMÄLLÄ VALMISTETTU TUOTE SEKÄ TUOTTEEN  
KÄYTTÖ"**

Ilkka Lehtomäki ei allekirjoita työsuhdekeksinnön kansainvälisten oikeuksien siirtoon oikeuttavia asiakirjoja. Hänen käsityksensä mukaan työsuhdekeksintölaki (1967/656) edellyttää, että työsuhdekeksintö kuuluu yrityksen (Suomen Viljavan) toimialaan. Tämä ehto ei nyt täyty.

Kyseinen työsuhdekeksintö koskee beetaglukaanipitoisen kauraleseen jatkokäsittelyä. Suomen Viljavalla oli kauraliiketoiminta, jonka toimialaan kyseinen työsuhdekeksintö mahdollisesti kuului. Suomen Viljava on lopettanut kauraliiketoiminnan, jota ei ole yrityksen ilmoituksen mukaan myöskään myyty eikä luovutettu. Suomen Viljavan nykyinen liiketoiminta on viljan varastointia ja käsittelyä.

Ilkka Lehtomäen käsityksen mukaan tilanne on muuttunut siitä, kun kyseisestä työsuhdekeksinnöstä tehtiin kotimainen patenttihakemus. Tällöin Lehtomäki allekirjoitti pyydetyt dokumentit, koska työsuhdekeksintö vaikutti kuuluvan kauraliiketoimintaan. Nyt työnantajan toimialavaatimus ei enää täyty. Tässä tilanteessa Ilkka Lehtomäki katsoo, että ei ole pakotettu allekirjoittamaan kyseisen työsuhdekeksinnön oikeuden kansainväliseen siirtoon liittyviä asiakirjoja.

Ilkka Lehtomäki haluaa hoitaa mahdollisen työsuhdekeksintöön liittyvän ongelman neuvottelemalla ja "oikein". Hänen mielestään kaikkia keksijöitä pitää kohdella mahdollisessa uudessa käsittelyssä samalla tavoin, mikäli he niin haluavat. Hän on tarvittaessa valmis olemaan mukana, jos pyydetään lausuntoa asiasta esim. työsuhdekeksintölautakunnalta.

terveisin



Ilkka Lehtomäki

[ilkka.lehtomaki@luukku.com](mailto:ilkka.lehtomaki@luukku.com)

040-749 1552

Leikosaarentie 28 A9

00990 Helsinki



9 August 2006

**Via facsimile – confirmation by mail**

99917036838396

Nath & Associates  
112 South West Street  
Alexandria, VA 22314  
U.S.A.

Attachment G

## CONFIRMATION

Attn: Gregory B. Kang

Your ref: 27058U

Our ref: BP112679/OPS/RLK

**U.S. PATENT APPLICATION NO. 10/555,387  
METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT  
OBTAINED BY THE METHOD AND USE OF THE PRODUCT  
APPLICANT: SUOMEN VILJAVA OY**

Dear Mr. Kang,

Thank you for your letter of 2 June 2006.

We now enclose the Declaration and Assignment documents. As explained in our letter dated 11 May 2006 two of the inventors, namely Messrs. Lehtomäki and Patajoki have refused to sign these documents

We do, however, have a copy of an Assignment document filed with the Finnish Patent Office in connection with the filing of the priority application FI-20030683. As you can see this document has been executed by all the six inventors.

According to your instructions of 2 June 2006 we sent the documents to Mr. Patajoki on 6 June 2006. We enclose a copy of our letter along with its English translation. We enclose also a copy of a certificate of receipt according to which Mr. Patajoki picked the documents personally up on 12 June 2006. He has not, however, returned them to us. We hope this is a proper evidence in support of the petition to be filed with the USPTO.

A similar letter was sent to Ilkka Lehtomäki on 30 June 2006. We enclose a copy of our letter to him along with its English translation. We enclose also a copy of a certificate of receipt showing that Mr. Lehtomäki signed for the documents 26 July 2006. In response he sent us a letter (copy and English translation enclosed) in which he explained why he does not want to sign the documents.



BERGGREN-YHTIÖT • BERGGREN GROUP

BERGGREN OY AB  
PL 16 • PO Box 16  
FI-00101 Helsinki  
FINLAND

KÄYNTIOSOITE • OFFICE  
Graniittitalo  
Annankatu 42 C  
Helsinki

PUH. • TEL  
Nat. (09) 693 701  
Int. +358 9 693 701  
Fax +358 9 693 3944

E-MAIL  
email.box@berggren.fi  
www.berggren.fi

PANKIT • BANKERS  
NORDEA 157330-15411  
SWIFT NDEAFIHH  
SAMPO 800017-90104  
SAMPO USD 800060-40136442  
SWIFT PSPBFIHH

YHTIÖ • COMPANY  
Y 0107002-7  
VAT FI01070027  
Kotipaikka Helsinki  
Domicile Helsinki

In his letter Mr. Lehtomäki refers to Act on the Rights to Employee Inventions No. 656 of 29 December 1967 (as amended) according to which an employer is, in certain circumstances, entitled to acquire all right to an invention in return for reasonable remuneration. This is the case where the invention is made as a result of the employee's activity in fulfilling his professional duties or when the invention is made substantially through the application of experience gained in the employer's enterprise, provided that the invention falls within the employer's actual field of activities.

We have obtained copies of the inventors' contracts of employment. Both contracts include a statement according to which Finnish Law applies to inventions made by the employee during these contracts. Added to this, the contract of Ilkka Lehtomäki includes also an additional statement according to which also an invention relating to processing of oat for which a patent application is filed within a year counted from the expiry of the contract shall be considered as having been made during this contract. If you find copies or translations of these documents relevant, please let us know and we will forward them to you. According to our client the contracts of employment of Messrs. Patajoki and Lehtomäki were cancelled last year.

We hope the above is sufficient for you to prepare a petition and statement of facts. Should you, however, require anything further, please contact us.

Yours sincerely,  
**BERGGREN OY AB**



Riittaliisa Kiuru  
Patent Assistant

Encls

**ASSIGNMENT**

FOR GOOD AND VALUABLE CONSIDERATION given to Jenni HAAPIAINEN, Olavi MYLLYMÄKI, Pekka LEHTINEN, Ilkka LEHTOMÄKI, Simo LAAKSO and Markku PATAJOKI, hereinafter referred to as the ASSIGNORS, who have invented certain new and useful **METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT OBTAINED BY THE METHOD AND USE OF THE PRODUCT**, hereinafter referred to as the invention, for which we have executed an application for Letters Patent No. **10/555,387** filed in the United States Patent and Trademark Office on 2 November 2005.

WHEREAS, **SUOMEN VILJAVA OY**, a corporation organized and existing under the laws of the country of FINLAND, whose post office address/business address is **Kielotie 5 B 3, FI-01300 Vantaa, FINLAND**, hereinafter referred to as the ASSIGNEE, desires to acquire the entire right, title and interest for the United States and elsewhere throughout the world in and to said invention and application, including any and all divisions and continuations thereof, all rights of priority under the terms of the International Convention for the Protection of Industrial Property, and any and all Letters Patent which may be granted thereon, including any and all renewals, reissues and prolongations thereof.

NOW, WITNESSETH THIS that for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, said ASSIGNORS hereby assign, sell and transfer to said ASSIGNEE, its assigns and legal representatives, the entire right, title and interest for the United States and elsewhere throughout the world, in and to said invention and application, including any and all divisions and continuations thereof, all rights of priority under the terms of the International Convention for the Protection of Industrial Property, and any and all Letters Patent which may be granted thereon, including any and all renewals, reissues and prolongations thereof, with all the rights, powers, privileges, and advantages in any way arising from or pertaining thereto, for and during the term or terms of any and all such Letters Patent when granted, including any and all renewals, reissues and prolongations thereof, for the use and benefit of said ASSIGNEE and its assigns and legal representatives, in as ample and as beneficial a manner for all intents and purposes as said ASSIGNORS might or could have held and enjoyed the same had this assignment not been made.

ASSIGNMENT

ALSO, said ASSIGNORS hereby agree to execute all papers necessary to file said applications in the United States and elsewhere throughout the world, and to assign the same to said ASSIGNEE, or any assignee acquiring title to said invention, and to execute any other papers that may be needed in connection with filing said application and securing any and all Letters Patent thereon.

AND said ASSIGNORS authorize and request the Commissioner of Patents to issue a Letters Patent on said application, and on any and all divisions and continuations thereof, to said ASSIGNEE, its assigns and legal representatives, in accordance herewith.

By: Jenni Haapiainen 3.5.2006  
Inventor's Name: Jenni HAAPIAINEN  
(first or first inventor) Date

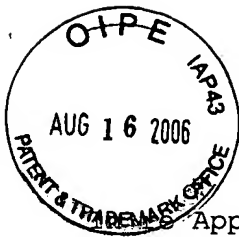
By: Olavi Myllymäki 15.3.06  
Inventor's Name: Olavi MYLLYMÄKI  
(second inventor) Date

By: Pekka Lehtinen 15.3.06  
Inventor's Name: Pekka LEHTINEN  
(third inventor) Date

By: \_\_\_\_\_  
Inventor's Name: Ilkka LEHTOMÄKI  
(fourth inventor) Date

By: Simo Laakso 15.3.06  
Inventor's Name: Simo LAAKSO  
(fifth inventor) Date

By: \_\_\_\_\_  
Inventor's Name: Markku PATAJOKI  
(sixth inventor) Date



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

HAAPIAINEN et al.

International Application Number: PCT/FI2004/000274

Serial Number: 10/555,387

International Filing Date: 6 May 2004 (06.05.2004)

Filing Date: November 2, 2005

**Title: METHOD FOR THE TREATMENT OF VEGETABLE MATERIAL, PRODUCT  
OBTAINED BY THE METHOD AND USE OF THE PRODUCT**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Transmittal Letter,
- 2) Copy of Notice of Missing Requirements,
- 3) Executed Declaration signed by four inventors;
- 4) **Petition Under 37 CFR 1.47 for Filing When an Inventor Refuses to Sign;**
- 5) Attachment A, Assignment for Finnish Priority Document;
- 6) Attachment B, Letter to inventor PATAJOKI with English translation;
- 7) Attachment C, Return mail receipt signed by PATAJOKI;
- 8) Attachment D, Letter to inventor LEHTOMAKI with English translation;
- 9) Attachment E, Return mail receipt signed by LEHTOMAKI,
- 10) Attachment F, Letter with English translation from inventor LEHTOMAKI stating why he refuses to sign;
- 11) Attachment G, Letter from Finnish agent of applicant Suoment Viljava Oy showing diligent effort to reach non-signing inventors;
- 12) Copy of Assignment, signed by four inventors, to be recorded concurrently;
- 13) Check No. 2664 \$ 200.00 for Petition Fee Under 37 CFR 1.17(g);
- 14) Check No. 2665 \$ 65.00 for surcharge in response to Notification of Missing Requirements as a small entity.

08/21/2006 HKAYPAGH 00000089 10555387

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65.00 DP

Date: August 16, 2006

**NATH & ASSOCIATES PLLC**

112 South West Street

Alexandria, VA 22314

703-548-6284

GMN/TEH/dd:Non-SigningInv\_FR&amp;Trans

Respectfully submitted,

**NATH & ASSOCIATES PLLC**By: 

Gary M. Nath

Registration Number 26,965

Tanya E. Harkins

Registration Number 52,993

Customer No. 20529